G R S App F IX 4]

194 -

File No 144-41

Previous References

( )

Serial Nos 24, 38, 39

Mr 144-41-11, 12

~~Later References~~ Mr 144-41-13, 14

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Nov 41

SUBJECT

Appointment of a Revenue Officer Mysore city Mr CG

To

Mr Pvt Secy HC of Mysore

Lr 18 Sep 1941

Issues rules in the matter

Mr 8/1 43

4801 V 5527

General and Revenue Secretariat | M/L File No | of 194 1-2 | [App F III-2

Serial No	
5	From the Odt, City mnl cl, Mysore No gf 1881 Dy 17-2-42 Requests forwards for orders of Govt a copy of the resolution of the mnl cl Dy 31-1-1942 resolving to request Govt to point out the provision of law under which a consolidated allowance of Rs 60 p.m was sanctioned to the Rev Officer of the city mnlp From the Odt, City mnl cl, Mysore No gf 2122 Dy 16-3-42 Forwards for orders of Govt a copy of the resolution of the mnl cl passed at their meeting held on 7-3-42 stating that the order re the apptt of Mr Jambu Kesawaiah, as Rev Officer of the city mnlp is ultravires & requesting Govt to withdraw the order & allow the mnl cl to make the apptt - Two resolutions have been sent to Govt for orders: (1) Requesting to point out the provision of law under which a Consolidated allowance of Rs 60/- was fixed in the case of the Rev Officer of the city mnlp & (2) Declaring the apptt of Mr Jambu Kesawaiah

NOTE—Cont Sheet

WD C4155—GPB—5 000—23 10 41

2)

Mk File No 4601 ∫ 5527 of 1941/42 — General and Revenue Secretariat

Serial No

as Rev officer of the city mkt as ultra vires and requesting Govt to withdraw the order & to allow the mkt ctt to make the apptt

2 As regards (point) The first, one a consolidated allowance of Rs 60 p m was sanctioned to the Rev officer as recommended by the Dist, city mkt ctt, Mysore & agreed by the Minister Leg in para 34 of the Notes in mkt file 14-4-41 (Nos 11+12) (the) first point up

3 As regards (point) The second, kind reference is invited to the Law opinion in paras 8-12 of the notes in mkt file 14/4-41 (Nos 13+14) (the) second point up.

4 Submitted for orders

KHB 22/3

5 The position, in relation to facts, is as follows

The previous Revenue officer Mr Ajjappa was transferred from the Mysore City Mkt by promotion. The President, Mysore City Mkt ctt made some provisional arrangement for carrying on the Revenue officer's duties, and wanted Govt to post an officer as a permanent arrangement

Appt of Revenue Officer – Mysore City Mcty (3

General and Revenue Secretariat | Mcl File No | of 194 | [App F III—2

Serial No

"H"

The Revenue Commissioner sent up a panel of names to the Mcl Council, Mysore. The Council was haggling for a lesser paid officer and would not decide soon. In the meantime, the Post worked & asked for an officer being posted forthwith, as he found himself handicapped, with the Collection season fast approaching.

In response to the Post's letter dt 3 12 41 Govt appreciated the position and appointed in their letter No L 4869 dt 9 12 41 Mr Jambukeswarayya, as the Revenue Officer of the Mysore City Mcty, pending the decision of the Mcl Cl, so that the work in the Mcty may not suffer."

On 22 12 1941, the Mcl Cl, instead of communicating their decision as was explicitly stated by Govt (in the citation above) made a resolution that Mr Jambukeswarayya's pay "shall not be disbursed from the Mcl funds". It is respectfully submitted that this attitude is scarcely dignified of a premier municipal Council & all accord

NOTE—Contn Sheet

W D 04155—GPB—55 000—23 10 41

4) Apptt of Revenue Officer - Mysore City Mlty

File No of 194 | General and Revenue Secretariat

Serial No

with all accepted Canons of propriety especially where Correspondence with Govt is involved.

4 So far, for the factual part of the position

10 As for the legal part, reference was made to the Law Dept's opinion at paras 8 to 13 of Municipal File No 1644-41-14. Considered from aspects alike of law & practice, the Resolution of the Mn Cl does not appear sustainable. The practice has been for Govt to appoint the Revenue Officer. Kindly see File No 31 40 L (Sls 56) para 29 et seq.

Regarding Law, all the Sections of the City Municipalities Act of 1933 preceding Chapter XII have perhaps to be interpreted consistently with the powers of Control reserved with Govt from Sections 216 to 232. While the Mn Cl in their Resolution No 487 choose to call upon Govt to point out the provision of law under which the allowance of Rs 60 has been fixed, they fail to point out the provision under which they question the orders of Govt, or the provision

Dpptt. of Revenue Offrs - Mysore City Mlty (5

General and Revenue Secretariat — File No — of 1941 - 2 — [App F III—2

Serial No

under which the appointment made by Govt is held ultra vires. The reduction seems to be more or less pitched on a doctrinaire key i.e Section 49 (b) (11), which vests in the Ml Cl the power of making the appointment & determining its salary is clearly subject to the "rules" or "orders" that the Govt may make under Section 228 (2) (c) Under this Section the Govt have made the "order" of appointment & fixed the officer's salary. The basis from which the Ml Cl's power to appoint & determine the staff under Section 49 (b) (11) & (e) could be derived is the "rule" or "order" framed under Section 228 (2) (c) This position is reinforced by Rule 1 Chapter V of the Mysore City Municipal rules & bye-laws (page 31, the concluding sentence of which reads as " x x — The pay & allowances of these officers — (Revenue Chief etc) shall be determined by the Ml Cl under the orders of Govt " This rule is framed under Section 49 (b) (11) as

NOTE—Contn Sheet

WD 04155—G1B—55 600—28 10 41

Appt of Revenue Officer – Mysore City Mcty

File No. 5527/1 of 194 | General and Revenue Secretariat

Serial No

seen on the Caption on duties of Chapter V

12 The whole position resolves itself somewhat as follows:–

13 The Govt made the "order" of appointment under Section 228(2)(c) of the City Mcpl Act And the Municipal Council shall determine the pay & allowance under the said "order" of Govt according to the rule / Chapter I of the rules framed by the Council thereafter.–

4 The Govt's action is therefore as much intra vires as is the Resolution of the Council. The Two Section may be Consulted. A rule may perhaps be made as suggested by them under Section 228(2)(c) after due formalities, after a reply is given to the present reference of the Pch, who, by the way, has simply forwarded the two Resolutions on the appointment & allowance for the orders of Govt

Dy 29/8/42 1st Two resolutions have been passed by the Mysore City Mcl in connection with the appointment of the Revenue Officer ordered by Govt– The results dated 31/1/1942 purports to request the Govt to point out the provision of Law under which the order

(17)

Serial No

"T"

Concerning the payment of a consolidated allowance of Rs 60/- p m to Mr Jambu - Reservation was passed

The reply to this reads is contained in fo no R 6435-37 dated 29/1/1942 in which the sections 228(2)(c) read with Sec 4 9 (b) & (c) of the city M Acts are quoted as the authority under which the Govt have acted in this case Hence this reads need not be taken notice of If this fo had come to the notice of the ML before 31-1-1942, they would not have passed this reads

2/ The second reads dated 7-3-42 is the one to be considered The ML cannot state, with reference to the fo dated 29/1/1942 that the provisions of Law invoked by the Govt are not at all applicable and cannot enable the Govt to appoint the Revenue Officer & to direct the disbursement of pay & allowance from ML funds & that, in its absence, the order regarding disbursement & the ML cannot be allowed to make the appointment in accordance with the Act

The opinion of the Law reader is already

NOTE—Contn Sheet

WD 04155—GIB—55 000— 3 10 41

8) Appt of Dev Officer - c

5398/41

1

5527

ml File No of 1941/42 — General and Revenue Secretariat

Serial No

5

given on paras 9 & 10 of file 144-41-13 & 14 on this subject. This point was also considered in connection with the retention of the Sharam as Revenue officer, Engineering Staff and report is noted in paras 29 to 31 of the notes in file 37-110-576.

Separate action is being taken to frame the rules referred to in paras 10 & 13 of the notes in the file 144-41.

16 A reply may perhaps be sent to the effect that the Government of the Mysore State have no power to order the appointment of the new officer & the decision by pay that it is ultra vires cannot be accepted & that Govt have rightly acted under Secs 49 & 228 of the Act.

19 Before doing so, the further opinion of the Law Secretary may also be obtained on the aforesaid questions.

Law Secy

Secretary

20

Asst Secy. Law Secretary

Hm 2/4/42

2/4/42

Law 204/41

7th April 1942

GOVT OF MYSORE

4801 / 5527 / 6062 / 6064 5346 19

General and Revenue Secretariat — File No — of 194 — [App F III—2

Serial No

22 My views on this point, I have already expressed in Min No 144-41 S-No 13 14 in paras 9 & 10 of his note (Flag J Reverse) It is it seems that the Municipal Council have misconstrued the orders of Govt in respect of the appointment of the New Officer. The appointment is entirely the decision of the Municipal Council. Hence it cannot be said that the order of Govt is ultra vires, both in respect of the appointment & also the payment of his allowance. Govt have the right to pass such an order under Sec 228 (2) (c) of the Act read also with Sec 49 (6) (11) of the Act. No absolute right is vested in the Municipal Council under Sec 49 (6) (11) of the Act. The right is subject to the right vested in Govt under Sec 228 of the Act.

23 I therefore hold that the impugned Resolution of the Council is misconceived & unsustainable in accordance with the facts of the case & also the Law as in point.

Law Secretary 13/4/42

24 Hon 14/4/42

Asst Secy Local Govt 25 14/4/42

26 A draft reply in terms of the above note may be put up for consideration

for Minister

GEOY L 11 SEPT 3114 14 R 1 42 GOVT OF MYSORE

Reminder dated 8th April 42 since received is also placed in the file

Read 13/4

NOTE—Contn Sheet

WD 04155—GPB—53,000—23 10 41

Appl for Rev Offices - Mysore city

4801 / 5527 / 6042 / 6044

10

Ad File No _____ of 1941-2

General and Revenue Secretariat

Serial No

DEVELOPMENT OFFICE
1 MAY 1942
NO 9473

SECY LAW DEPT
3 MAY 42
17 APR 42
GOVT OF MYSORE

Draft letter is put up for consideration

16/4 The draft reply is in accordance with the opinion of the Law Dept above on the representations for approval

Law Secy) 17/4/42

16/4

for perusal

Minister L S G) 27

Hm 2 17 4 42

for

30 Hm 18 6 62

Hm 2 11/4/42

for

OFFICE OF THE MINISTER FOR L S G & P H
Date 17 4 1942
No 6488

The reply may be sent in draft subject to minor alterations

11/4/42

Instructions in this Minister's note may be carried out

31

Many Rs. 3 crores?

Law Secy) 2/5

for perusal

32 for perusal

Dewan)

Hm 2 4/5/42

for

SECY LAW DEPT
3778
2 MAY 1942
GOVT OF MYSORE

The Proceedings may be sent to me

Please see 1 Nov 41

7/5/42

3 3) I understand that the Municipal Council has now put forward certain specific proposals. If this be the case no reply is needed to the earlier resolutions which were of a purely controversial character

[illegible]

Appointment of a Revenue Officer, Mysore city

Serial No

OFFICE OF THE CHIEF SECRETARY TO GOVT OF MYSORE
Date 8 SEP 1942
No 6993

S/1 for perusal
Minister
L S G

Hm 2 9/5/42
Sec
3/- 10/5/42
Hm 2 11/5/42
Pl mpt for 11/5/42

3/ ordered with a draft letter for approval
13/5
13/5

3) Approved
Secretary 18/5/42

3) Hm 2 16/5/42

3) Approved
16/5/42

To the Dist, City Municipal Commr
No L 10994 dt 18-5-42
Enquiries whether the City Municipal Council have since sent forward any specific proposals duly so forward the same to Govt for orders

NOTE—Cont Sheet

WD 041 5—GPB—55 000—23 10 41

Apptt of a Revenue Officer - Mysore City Mcpl
60460-7189
2

Mc File No of 194/42 | General and Revenue Secretariat

Serial No

From the Dpty, City Mcpl Cl. Mysore
No GG 2792/41-42 dt 24-5-42.
Requests orders of Govt on the resolution
of the Mcpl Cl dt 31-3-42 requesting
for reports addressing the Rev Commr to
send a panel of names for selecting
a Rev Officer etc.,
Submitted for orders

6/6 (1) Dr 41) The President, Mysore City
Mcpl Cl has reported that there
are no rules regulating the subject
of the appointment of a Revenue Officer
for the Mysore City Mcpl & that the
latest rules in force are 31.12.42
on which he has sought the orders of
Govt to address the Rev Commr to send a
panel of names for the required
orders of Govt on that letter
Kind reference to minutes to go on 2/6/43-37 Flag T
J.L 144-41-14 dated 29.1.42
Whereas Govt have definitely affirmed the
Jamabandi examination, Awards as Rev Officers,
Mysore City Mcpl & directed that they be
declared to have, in virtue of the powers vested
in them by Sections 220 (2) (c) & 49 (6) (c) of
the City Mcpl Act 1933 thereby no question
of asking the Rev Commr for a panel of
Awards from among whom a selection of the Rev Officer
could be made could arise

Appointment of a Revenue Officer, Mysore City

7185 (13)

General and Revenue Secretariat — File No 144 of 1941 — [App. F-III-2

Serial No

Having regard to the facts of the case and the request of the President, Mysore City Municipality, it is for orders if a favourable and definite reply may not be sent to him & draft is put up for approval or other orders

(43) Noted with reference to paras 33 to 35 of the notes hereon

Law Secy 17.6.42

SECY LAW DEPT S 293 13 JUNE 1942 GOVT OF MYSORE

44) As above is the position

Law Secy 17.7.42

With Secy's letter dated 16.6.42 Could not see for the Law Secy as he was busy with meetings & left. 17.7.42

45 Section 228(2)(c) of the Mysore City Municipalities Act empowers the Government to make rules or orders for the regulation of all or any of the matters prescribed in clauses (b), (c), (e), (f) and (g) of Section 49 Section 49(b)(11) relates to the determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, etc Therefore the Government in exercise of its powers made the appointment But since Section 228(2) only empowers the Government to make rules or orders regulating the matters, it may be contended that before

SECY LA DEPT 699 20 JULY 1942 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 21-7-42 No 777

NOTE—Contn Sheet

Serial No

making rules or orders it cannot make the appointment, as ~~since~~ the word 'orders' can only have a meaning cognate to 'rules', having regard to the context and the use of the word 'make' (Vide page 284 of Maxwell's Interpretation of Statutes, Eighth Edition). According to this interpretation, 'orders' can only mean standing orders and the like and not executive orders relating to appointments

(b) But such a strict and technical interpretation need not be put on the words especially when they lead to complications, for, if it is not the Government, which other authority can make the appointment?

(c) Under Section 49(b)(11)~~(o)~~ the Municipal Council can determine the staff of officers only after making the rules in that connection The Municipal Council has framed rules under Section 49(b)(11). Rule 1 is

> "There shall be for the Municipality a Health Officer, and an Engineer, besides the Chief Officer, and when the post of Chief Officer is unfilled, a Revenue Officer shall be appointed. The pay and allowances of these officers shall be determined by the Municipal Council under the orders of Government "

It is not stated in that rule who is to appoint the Revenue Officer. The power is reserved for the Municipal Council only to determine the pay and allowances of the

Serial No

the officers named in it. Evidently, the power is reserved in the Government to make the appointment. Thus though the pay may be determined by the Council, it can be determined only under the orders of the Government Therefore the power of the Government to fix the pay is not taken away by the rules. Nor can such a power be taken away for, as per provisions of Section 49, the Council can make rules not inconsistent with ~~those~~ the Regulations made by the Government under Section 228.

the rules

by the Reply as per draft

Mr Dec 2.8.42

Dewan

Rev 20.7.42

5.8.42

OFFICE OF THE MINISTER FOR L S G & P H Date 2-8-42 No 1162

Rev 6/8/42

Rev 7-8-42

39 To

The Commissioner of Electricity Mysore 7/8/42

No L 1828 dt 10-8-42

Issues orders in the matter

PD 23/8

NOTE—Contn Sheet

W 04171 GPL—30 000—8 J 46

MU 144-41-24

No GT 1881/61

Dated 16th February 1942

From

B S Raghavendra Rao, Esq , M A ,(Hons)
~~M.NAVANEETHAM NAIDU, ESQ., B.A. B.L~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To

H V Narayana Rao, Esq, B A ,LL B ,
Secretary to Government,
Law Department,
Bangalore

Re Sanctioning of a consolidated allowance of R 60/-to the Revenue Officer of the Mysore City Municipality

"S" I have the honour to state that Government Order No L 6029-31/41 144-41-12 dated 13th January 1942 sanctioning the above allowance was placed before the Council Meeting held on 31st January 1942 and the Council in deferring the recording of this order, resolved to request the Government to kindly point out the provision of Law under which the above order was passed enclose herein a copy of their resolution for the orders of Government

I have the honour to be,
Sir,
Your most obedient servant,
B Raghavendra Rao
President 16/2

HS

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 31st January 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*
2 P Sitaramiah Esq B A , B L *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 U L Ramachandra Rao Esq
6 M K Linganna Esq B A LL B
7 M C Mallappa Esq
8 T Narasimha Iyengar Esq B A B L.
9 A N Suryanarayana Rao Esq
10 Mrs B Kameswaramma B A
11 Agaram Rangiah Esq
12 B Narayanaswamy Esq B A B L
13 T Mariappa Esq B A LL B
14 M S Nanjappa Esq
15 G R Rangaswamiah Esq
16 E P Nanjappa Esq
17 Dr A J Ram L M & S
18 M R C Basappa Esq
19 T Venkataramaniah Esq
20 T S Alikhan Esq
21 Mahomed Khalilulla Esq M A LL B
22 S A Kareem Esq
23 F C Devaraja Urs Esq

ABSENT

24 Chowdiah Fsq
25 C S Dixit Esq B A LL B
26 N Rajagopala Iyengar Esq B A B L.
27 M V Venkataramiah Esq
28 G Janardan Naidu Esq
29 Patnam Sreenivasasetty Esq
30 Haji Mir Amiruddin Khuraishi, Esq
31 B L Maridandiah Esq

XX XXX

487 Government Order No L 6029-31/M1 144-41-12 dated 13th January 1942, directing that in future, Officers posted as Revenue Officers of the Mysore City Municipality be permitted to draw a consolidated allowance of Rs 60/- per mensam in addition to their pay

Resolution - "In dererring the recording of this order, the Council requests that the Government may be requested to kindly point out the provision of Law under which the above order was passed"
Proposed by Mr E P Nanjappa
Seconded by My T Venkataramaniah

" Carried "

"Copy"
B Raghavendra Rao

S/d B S Raghavendra Rao
President,
City Municipal Council, Mysore

No GT 2122 5527/L

Encl one Ml 144-41-25 Date 13th March 1942

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE
L S G BRANCH

From B S Raghavendra Rao, Esq , M A , (Hons)
MxNAVANEETHAM NAIDU, Esq., B A, B.L.
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

To SECY L W DEPT
GOVT OF MYSORE
The H V Narayana Rao, Esq , B A , LL B ,
Secretary to the Government of Mysore,
Law Department,
Bangalore

Sir,

With reference to Government Order No L 6435-37/ Ml 144-41-14 dated 27th January 1942 regarding the appointment of Mr H C Jambukesvariah, Amildar as Revenue Officer of this Municipality and directing the disbursement of his pay and allowances out of its funds, I have the honour to forward herewith for orders of Government, resolution No 548 passed by the Municipal Council at their adjourned meeting held on 7th March 1942 stating that the order is ultravires and requesting to withdraw the order and to allow the Municipal Council to make the appointment

I have the honour to be,
Sir,
Your most obedient servant,
B S Raghavendra Rao
President 13/3

NRS

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 7th March 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*
2 S Linganna Esq
3 U L Ramachandra Rao Esq
4 Chowdiah Esq
5 A Krishna Murty Esq
6 A N Suryanarayana Rao Esq
7 Agaram Rangiah Esq
8 B Narayanaswamy Esq B A B L
9 T Mariappa Esq B A LL B
10 M S Nanjappa Esq
11 G R Rangaswamiah Esq
12 E P Nanjappa Esq
13 G Janardan Naidu Esq
14 Patnam Sreenivasasetty Esq
15 T Venkataramamiah Esq
16 T S Alikhan Esq
17 B L Maridandiah Esq
18 F C Devaraja Urs Esq

ABSENT

19 P Sitaramiah Esq B A B L. *Vice President*
20 M K Linganna Esq B A LL B
21 M C Mallappa Esq
22 *Vacant*
23 T Narasimha Iyengar Esq B A B L
24 N Rajagopala Iyengar Esq B A B L
25 Mrs B Kameswaramma B A
26 M V Venkataramiah Esq
27 Dr A J Ram L M & S
28 M R C Basappa Esq
29 Mahomed Khalilulla Esq M A LL B.
30 Haji Mir Amiruddin Khuraichi, Esq
31 S A Kareem Esq

Deferred Subject No 548

Government Order No L 6435-37/M1 144-41-14 dated 27th January 1942, appointing Mr Jambukesvariah, Amildar as the Revenue Officer of the Mysore City Municipality in continuation of the posting already ordered and directing that the Officer's pay and allowance be disbursed from the funds of the Mysore City Municipality

Resolution -

This Council regrets to note that the provision of law invoked by the Government is not at all applicable and cannot even be stretched to apply to enable the Government to appoint the Revenue Officer as they have done in this case and further to direct disbursement of his pay and allowance from Municipal funds is ultravires This Council therefore requests the Government to withdraw the order and to allow the Municipal Council to make the appointment in accordance with the Municipal Act

Proposed by

Proposed by Mr T Mariappa

Seconded by Mr B Narayanaswamy

Carried

Sd/- B S Raghavendra Rao,

President

"Extract"

B S Raghavendra Rao

President

VRS

548

60721

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

No. GT 2381 Mu 144-47-2 Date 7th April 1942
Encl Two 8th

From B S RAGHAVENDRA RAO, ESQ , M A (Hons)
~~M NAVANEETHAM NAIDU, Esq, B.A., B.L~~
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

To H V Narayana Rao, Esq ,B A ,LL B ,
Secretary to Government, Law Department,
BANGALORE

SECY LAW DEPT 10 APR 42 MYSORE

Re Appointing a Revenue Officer to the Mysore City Municipality

---

In continuation of this office report No G T 2122 dated 16th March 1942 forwarding a copy of resolution No 548 dated 7th March 1942 of the Municipal Council regarding the above, I have the honor to forward herewith copies of resolutions Nos 629 and 631 passed by the Municipal Council at their meeting held on 31st March 1942 on the same subject and to state that as resolved in their resolution No 629 the Council wish to have a panel of names of persons drawing a pay between Rs. 120/- and Rs 200/- I request you kindly to obtain orders of Government in the matter re addressing the Revenue Commissioner to arrange to send a panel of names

P T O

Resolution as amended carried

PRESIDENT
CITY MUNICIPAL Council

as desired by the Council.

I have the honour to be,
Sir,
Your most obedient servant,

By Rajendra Prasad
PRESIDENT. 2-4

RSR.

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 31st March 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Sitaramiah Esq B A B L *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 Chowdiah Esq
6 M K Linganna Esq B A LL B
7 A N Suryanarayana Rao Esq
8 Mrs B Rameswaramma B A
9 Agaram Rangiah Esq
10 B Narayanaswamy Esq B A B I
11 T Mariappa Esq B A LL B
12 M V Venkataramiah Esq
13 M S Nanjappa Esq
14 G R Rangaswamiah Esq
15 E P Nanjappa Esq
16 Dr A J Ram L M & S
17 G Janardan Naidu Esq
18 Patnam Sreenivasasetty Esq
19 M R C Basappa Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 Mahomed Khalilulla Esq M A LL B
23 Haji Mir Amiruddin Khuraichi Esq
24 B L Maridandiah Esq
25 F C Devaraja Urs Esq

ABSENT

26 U L Ramachandra Rao Esq
27 M C Mallappa Esq
28 T Narasimha Iyengar Esq B A B L
29 N Rajagopala Iyengar Esq B A B I
30 S A Kareem Esq
31 *Vacant*

Deferred Resolution No 629 -
Resolution tabled by Mr E P Nanjappa, Municipal Councillor -

This Council regrets to note that the President, inspite of the resolution of the Council No 274 dated 29th November 1941 and the observation made by this Council on subject No 411 dated 22nd December 1941 has failed to get a panel of names for the selection of a Revenue Officer and this Council urges that the same be got done immediately

The panel of names may include names of persons drawing between Rs 120 and 200/-

Amendment proposed by Mr T Mariappa

Resolution as amended carried

B S Raghavendra Rao
PRESIDE
CITY MUN Council

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 31st March 1942, at 4 p m.

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Sitaramiah Esq B A B L *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 Chowdiah Esq
6 M K Linganna Esq B A LL B
7 A N Suryanarayana Rao Esq
8 Mrs B Rameswaramma B A
9 Agaram Rangiah Esq
10 B Narayanaswamy Esq B A B L
11 T Mariappa Esq B A LL B
12 M V Venkataramiah Esq
13 M S Nanjappa Esq
14 G R Rangaswamiah Esq
15 E P Nanjappa Esq
16 Dr A J Ram L M & S
17 G Janardan Naidu Esq
18 Patnam Sreenivasasetty Esq
19 M R C Basappa Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 Mahomed Khalilulla Esq M A LL B
23 Haji Mir Amiruddin Khuraichi Esq
24 B L Maridandiah Esq
25 F C Devaraja Urs Esq

ABSENT

26 U L Ramachandra Rao Esq
27 M C Mallappa Esq
28 T Narasimha Iyengar Esq B A B L
29 N Rajagopala Iyengar Esq B A B L
30 S A Kareem Esq
31 *Vacant*

Deferred Resolution No 631 -
Resolutions tabled by Mr B Narayanaswamy, B A ,B L , Municipal Councillor -

"Resolved that this Council regrets to note that the appointment of the Revenue Officer directly by Government is a gross infringement upon the powers of appointment vested in this Council and this Council respectfully points out that this order is ultra-vires and is not conducive to the healthy growth and development of local self-governing -- institutions in the State"

Seconded by Mr T Mariappa "Carried"

'Copy' B S Raghavendra Rao
PRESIDENT
CITY MUNICIPAL COUNCIL

5611/41 60704/1

No G T 2372

Encl One

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Date 7th April 1942

From B S Raghavendra Rao, Esq , M A (Hons)
~~M NAVANEETHAM NAIDU, Esq, B A, B L~~
PRESIDENT, CITY MUNICIPAL COUNCIL,
MYSORE

City

To
H S V Narayana Rao, Esq ,B A ,LL B ,
Secretary to Government, Law Department,
Bangalore

SECY LAW DEPT 10 APR 42 GOVT MYSORE

Sir,

Re Sanctioning a consolidated allowance of Rs 60/- to the Revenue Officer of the Mysore City Municipality

---

I have the honor to invite your kind reference to this office letter No G T 1881 dated 17th February 1942 and to request the favour an early reply.

The Ratest Resn q me covered on the subject is enclosed

I have the honour to be,
Sir,
Your most obedient servant,

B S Raghavendra Rao
~~PRESIDENT~~ 7/4

KSR The file on the subject has been sent to the Law Secy on 2/4 if approved, the will be also sent, in continuation of the previous one. In favour of expediting the matter 13/4 Secy Law Dept

the Land Subject Asstt Law Mr) 13/4/42

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Tuesday the 31st March 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Sitaramiah Esq B A B L *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 Chowdiah Esq
6 M K Linganna Esq B A LL B
7 A N Suryanarayana Rao Esq
8 Mrs B Kameswaramma B A
9 Agaram Rangiah Esq
10 B Narayanaswamy Esq B A B L
11 T Mariappa Esq B A LL B
12 M V Venkataramiah Esq
13 M S Nanjappa Esq
14 G R Rangaswamiah Esq
15 E P Nanjappa Esq
16 Dr A J Ram L M & S
17 G Janardan Naidu Esq
18 Patnam Sreenivasasetty Esq
19 M R C Basappa Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 Mahomed Khalilulla Esq M A LL B
23 Haji Mir Amiruddin Khuraichi, Esq
24 B L Maridandiah Esq
25 F C Devaraja Urs Esq

ABSENT

26 U L Ramachandra Rao Esq
27 M C Mallappa Esq
28 T Narasimha Iyengar Esq B A B L
29 N Rajagopala Iyengar Esq B A B I
30 S A Kareem Esq
31 *Vacant*

Deferred Subject No 487 -

Government Order No L 6029-31/M1 144-44-12 dated 13th January 1942 directing that in future, Officers posted as Revenue Officers of the Mysore City Municipality be permitted to draw a consolidated allowance of Rs 60/- per mensem in addition to their pay

In view of the fact that no reply has been received from Government this may be deferred

B S Raghavendra Rao

PRESIDENT
CITY MUNICIPAL COUNCIL
MYSORE

GOVFRNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 10994 General and Revenue Secretariat

Bangalore, dated 18 May 1942

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department.

To

The President,
City Municipal Council,
Mysore.

Sir, Subject - Appointment of a Revenue Officer, Mysore City.

With reference to the correspondence ending with your letter No.G T.2372 dated 8th April 1942, on the above subject, I am directed to enquire whether the City Municipal Council have since put forward any specific proposals in this connection and if so, to request that the same may be kindly forwarded to Government very early.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Govertment,
Law Department.

mk 2

Appendix F G—1]

SUBJECT

Section ML

File No

Serial No

Diary No of letter replied to

No L 10994

To The Dctr, Cf. of Mcl, Mysore

Sir,

Subject - Apptt of a Revenue officer, Mysore city

With reference to the correspondence ending with your letter no GT 2372 Dt 8th April 1942, on the above subject, I am directed to enquire whether the Cf. of Mcl have since put forward any specific proposals or in this connection if so, the same may be request had

General and Revenue Secretariat

( )

the *19*

Date of issue 18/5/42

Signed by Is. G. Rao

List of enclosures

Copied by

Examined by

WD 086—GPB—40 000—30 7 40

Kmd

forwarded to Govt Vty esq

~~An early reply is requested~~

Thanks etc

Yours Hugh 16/6/14

~~For~~ secy to Govt

13/5 Law Dept

3/5

7189/L

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

G T No 2792/41-42

Dated 22-5-1942 19

Mr 144-41-38

From B S RAGHAVENDRA RAO, ESQ , M A ,(Hons)
~~M NAVANEETHAM NAIDU, ESQ., B.A., B.L~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

GOVT PLT
26 MAY 1942
L S G BRANCH

To

C NARAYANASWAMI NAIDU, ESQ , B A ,B L ,
Secretary to Government,
Law Department, Bangalore

SECY LAW DEPT
23 MAY 1942
GOVT OF MYSORE

Adverting to your letter No L 10994 dated the 18th May, 1942, I have the honour to state that the subject matter contained in this office letter No G T 2372 dated 8th April, 1942, referred to in your letter relates to the payment of a consolidated - allowance of Rs 60/- per mensem to the Revenue Officer, regarding which there has been no further resolution of the Council

The latest resolution of the Municipal Council, however on the subject noted at the head of your letter, under advertance, viz , Appointment of a Revenue Officer, Mysore City, is the one that they passed at their meeting held on 31st March 1942 on deferred subject No 629 and this has already been referred to in my letter No G T 2381 dated 8th April, 1942 in which I have also requested permission to address the Revenue Commissioner to arrange to send a panel of names as desired by the Council An extract of my letter in question is enclosed

Early orders are solicited

I have the honour to be,
Sir,
Your most obedient servant,

B S Raghavendra Rao
PRESIDENT

snr

22/5

Copy of letter No G.T.2381 dated 8th April 1942 from the President, City Municipal Council, Mysore to the Secretary to Government, Law Department, Bangalore.

Re Appointing a Revenue Officer to the Mysore City Municipality.

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"In continuation of this office report No.G.T.2122 dated 16th March 1942 forwarding a copy of resolution No 548 dated 7th March 1942 of the Municipal Council re the above, I have the honor to forward herewith copies of resolutions Nos 629 and 631 passed by the Municipal Council at their meeting held on 31st March 1942 on the same subject and to state that as resolved in their resolution No.629, the Council wish to have a panel of names of persons drawing a pay between Rs 120 and Rs. 200. I request you kindly to obtain orders of Gbvernment in the matter re addressing the Revenue Commissioner to arrange to send a panel of names as desired by the Council"

Sd. B. S Raghavendra Rao,

PRESIDENT.

'COPY'

KSR/22.5. for PRESIDENT

B S RAGHAVENDRA RAO
PRESIDENT

Pc 9/2
CONFIDENTIAL

CITY MUNICIPAL COUNCIL
MYSORE

22nd July 1942.
23rd

ICIPAL COUNCIL
YSORE

July 1942.

My dear Sir,

I am submitting herewith for your kind information a copy of my letter of date to the Secretary to Government, Law Department.

Yours sincerely,

B. Raghavendra Rao

H B Gundappa Gowda, Esq , B A ,B L ,
Minister for Local-Self Government,
Government of Mysore, BANGALORE

KSR

B S RAGHAVENDRA RAO
PRESIDENT

CITY MUNICIPAL COUNCIL
MYSORE

22nd July 1942.

CONFIDENTIAL

Dear Sir,

I am forwarding herewith (enclosed) for the information of Government two resolutions and an interpellation proposed by Mr T. Narasimha Iyengar, B.A.,B.L , Municipal Councillor to be moved at the next meeting of the Municipal Council to be held on the 31st instant.

2. With regard to Resolution No.I, i.e. Administration Report, I write to state that the Administration Report now put up is in the form and details prescribed by Government as per Section 215 (1) vide Municipal Accounts Manual, Part II, page 141. The Council desires that the form itself should be changed and this requires approval of Government. Until then the report is to be prepared in the form in force. The connected papers have been submitted to Government, vide my letter No.G.T 1888 dated 17th February 1942 and orders are awaited. (Orders received today)

3. Resolution No.II. This refers to the appointment of the Revenue Officer. I feel that Government have got the powers to make this appointment under Section 228(c) read with Section 49(b)(2). At present only an Order has been passed and if deemed necessary rules may also be framed to implement the Order, when, under Section 49 the Municipal Council will be bound to alter the existing rules.

4. Another Resolution as noted below has been sent by Mr. B. Narayanaswamy, B.A ,B.L., Municipal Councillor:

"This

"This Council regrets to note that the President has not placed the list of names for selecting a Revenue Officer before the Council inspite of a Resolution to that effect"

The papers have been submitted to Government in my letter No.G T.2792/41-42 dated 22nd May 1942 and orders are awaited.

Yours sincerely,

Sd B S Raghavendra Rao

C. Narayanaswami Naidu, Esq., B.A.,B.L.,
Secretary to Government, Law Department,
BANGALORE.

'COPY'

PRESIDENT,
22-7-42

KSR.

Resolutions and Interpellations by Mr. T. Narasimha Iyengar, B.A.,B.L., MunicipalCouncillor.

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RESOLUTIONS.

I. This Council regrets to note that the President has failed to place again the Administration Report of the Council as resolved on 9th February 1942 and further resolv that the same may be brought up at the next meeting.

II. Resolved that all papers connected with the appoin ment of Mr Jambukesvariah as Revenue Officer be entrusted to a Special Committee consisting of the members of the Legal Committee and Messrs M. A. Doraswami Iyengar,M A.B.L Advocate, Mysore, S.Chinnaswami Setty, B A ,LL.B , Advocate Mysore and M. Shankariah, B.A.,LL B , Municipal Advocate to examine and report on the Legal and Financial aspects of the dispute in question and to suggest the remedies and reliefs the Council may have against the Government.

INTERPELLATION.

B (1) What is the number of resolutions of the Council that have been sent to the Government since January 194 up-to-date and which are still pending disposal by the Government ? What are the resolutions so pending before the Government ?

(2) Have any reminders been sent to the Government with a request to dispose them early ? If so, how many have been sent and on what dates ?

'COPY'

PRESIDENT,
22-7-42.

KSR.

L 1828
ml 144-41-39
10/8/42

To

The President,
City Municipal Council,
Mysore

Sir,

With reference to your letters ending with G.T.2372 dated 24th May 1942, I am directed to state that the following four Resolutions of the Municipal Council are before Government -

"A1" 1. No.487 dated 31-1-42 requesting Govt. to point out the provision of Law under which a consolidated allowance of Rs 60 p m was permitted in addition to the pay of the Revenue Officers of the Municipality in G.O.No L.6029-31/Ml.144-41-12 dated 13-1-42.

"B1" 2. No (Deferred subject) 548 requesting Govt. to withdraw their order No.L 6435-37/Ml. 144-41-14 dated 27-1-42 as it is ultra vires and to permit the Municipal Council to make the appointment of the Revenue Officer in accordance with the City Municipalities Act, 1933.

"C1" 3. (Deferred Resolution) No.629 Calling on the President to get a panel of names of officers drawing a pay between Rs.120 and Rs 200 for selecting a Revenue Officer from the list.

"D1" 4. (Deferred Resolution) No.631 stating that the direct appointment of the Revenue Officer by Govt. is ultra vires and an infringement of the powers of the Municipal Council.

2. It has to be remembered that a panel of names was sent in the first instance an

Mr Jambukesvaraiya was selected from the ~~panel~~ panel and appointed, "pending the decision of the Municipal Council, so that work in the municipality may not suffer" in Govt's letter No L.4869 dated 9-12-41 When the Municipal Council questioned this order and resolved that the salary of the appointee should not be disbursed, Govt by virtue of the powers vested in them under Section 228 (2) C) read with Section 49 (b) (ii) and (C) passed the order dated 27-1-42 referred to.

"H"

3. The right ~~vested in~~ conferred on the Municipal Council under Section 49 (b) (ii) & (C) of the City Municipalities Act 1933 to make rules determining the salaries etc., of Officers, could by no means be regarded as an absolute right, but is subject to the right vested in Govt. under Sec 228 (2) (C) of the Act Nor does rule 1 framed under Sec 49 (b) (ii) give power to the Municipal Council either to appoint the Revenue Officer or disburse his pay without the orders of the Government.

The Government are of the view that therefore the pay of the Revenue Officer has to be disbursed as his appointment is quite legal.

I have etc ,

for Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 1828 / Ml 144-41-39

General and Revenue Secretariat

Dated Bangalore, 10 August 1942

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department.

To

The President, City Municipal Council,
MYSORE.

Sir,

With reference to your letter ending with G T 2372 dated 24th May 1942, I am directed to state that the following four Resolutions of the Municipal Council are before Government -

1. No.487 dated 31st January 1942 requesting Government to point out the provision of Law under which a consolidated allowance of Rs.60 per mensem was permitted in addition to the pay of the Revenue Officer of the Municipality in Govt Order No.L.6029-31/Ml.144-41-12 dated 13th January 1942.
2. No.(Deferred subject) 548 requesting Government to withdraw their order No.L 6435-37/Ml 144-41-14 dated 27th January 1942 as it is ultra vires and to permit the Municipal Council to make the appointment of the Revenue Officer in accordance with the City Municipalities Act, 1933.
3. (Deferred Resolution) No.629 Calling on the President to get a panel of names of officers drawing a pay between Rs 120 and Rs.200 for selecting a Revenue Officer from the list.
4. (Deferred Resolution) NO 631 stating that the direct appointment of the Revenue Officer by Government is ultra vires and an infringement of the powers of the Municipal Council.

2. It has to be remembered that a panel of names was sent in the first instance and Mr Jambukesvaraiya was selected from the panel and appointed, "pending the decision of the Municipal Council, so that work in the municipality may not suffer" in Government's letter No.L.4869 dated 9th December 1941. When the Municipal Council questioned this order and resolved that the salary of the appointee should not be disbursed, Government by virtue of the powers vested in them under Section 228 (2) (C) read with Section 49 (b) (ii) and (C) passed the order dated 27th January 1942 referred to.

3. The right conferred on the Municipal Council under Section 49 (b) (ii) and (c) of the City Municipalities Act 1933 to make rules determining the staff of officers, salaries etc., can by no means be regarded as an absolute right, but is subject to the right vested in Government under Section 228 (2) (c) of the Act. Nor does rule 1 framed under Section 49 (b) (ii) give power to the Municipal Council either to appoint the Revenue Officer or disburse his pay without the orders of the Government.

The Government are therefore of the view that the pay of the Revenue Officer has to be disbursed, as his appointment is quite legal.

I have the horour to be,
Sir,
Your most obedient servant,

(Draft) for Secretary to Government,
Law Department.

mk2